

Patent Attorney
Docket No. 81785

DAC

TRANSMITTAL LETTER

Inventor: ARON BRAUN ET AL.

Serial No: 09/980,194

Int'l. Appln. Filing date: May 12, 2000

Notice of Allowance:

For: VORRICHTUNG UND VERFAHREN ZUR PHOTOLITHOGRAPHISCHEN BELICHTUNG VON BIOLOGISCHEN STOFFEN

Group Art Unit: Unknown

Examiner: Unknown

Batch:

Box DAC
Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

Transmitted herewith for the above-identified patent application are the following:

- Petition to Accord a Filing Date Under 37 C.F.R. 1.10(d)
- Declaration Under 37 CFR 1.10(d)
- Letter from Fred Gowen
- A copy of application papers
- Copy of Express Mail label No. 919995207US
- A return postcard

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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

The item(s) checked below are appropriate:

- an
1. Applicant(s) hereby petition(s) for a () month extension of time to respond to dated
 2. X Please charge any fees or costs not accounted for to Deposit Account No. 11-1755.
 3. X Applicant is a small entity.

Date: February 19, 2002

Edward M. Kriegsman
Edward M. Kriegsman
Reg. No. 33,529

KRIEGSMAN & KRIEGSMAN
665 Franklin Street
Framingham, MA 01702
(508) 879-3500

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box DAC, Commissioner for Patents, Washington, D. C. 20231 February 19, 2002.

Edward M. Kriegsman
Edward M. Kriegsman

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United States Postal Service
Expedited Services Office
74 Main Street
North Reading, Ma. 01889-9601
Tel: 978-664-7662

February 5, 2002

To: Commissioner of Patents
Washington DC 20231

Fm: Fred Gowen
US Postal Service, Expedited Services

Re: Date of mailing, Express shipment EL919995207US

This letter is in behalf of one of our Express Mail customers, Edward M Kriegsman, Attorney at Law, of 665 Franklin St, Framingham Ma 01701.

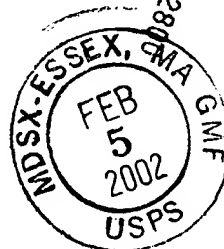
On November 14, 2001 Mr Kriegsman tendered an overnight Express shipment to his regular Postal route carrier to be deposited into our Express mailstream that evening. Normally a piece so tendered would arrive in Washington for next day delivery, in this case November 15th.

Due to an oversight on our carrier's part, this shipment, along with several others, was inadvertently mixed in with first class mail and was not accepted into our mailstream until November 15th, one full day after Mr Kriegsman tendered it to us.

Please accept this letter as notice that the correct date of acceptance for express shipment EL919995207US should be November 14, 2001.

If there are any further questions or problems concerning this issue that I may be of assistance with please do not hesitate to call me at the number listed above.

Fred Gowen
US Postal Service Express



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Z623 P R O D U C T T R A C K I N G S Y S T E M PAGE 001 OF 001
02/05/2002 08:53:06 LABEL EVENT DETAILS NE0062

LBL: EL919995207US DT MAILED: 11/15/2001 TM MAILED: 18:46

| | | | |
|---------------------------------|-------------------------|-------------------|-----------|
| DESTINATION: | ZIP: 20231 | CITY: WASHINGTON | STATE: DC |
| ORIGIN: | ZIP: 02206 | CITY: BOSTON | STATE: MA |
| CLASS: Express Mail | SERVICE: PO - ADDRESSEE | SIGNATURE IND: 2 | |
| SCHD DELV DATE/TIME: 11/16/2001 | POSTAGE: \$ 16.25 | OTHER FEE: \$.00 | |
| SPCL SERVICES: | | | |

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DELV QOMT: NORMAL      PO. BOX? N CUSTOMS IN:      OUT:
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EVENT: DELIVERED      ZIP: 20231      DATE: 11/30/2001      TIME: 12:01
CITY: WASHINGTON      STATE: DC      RECIPIENT: A TAITANO
EVENT: ACCEPT OR PICKUP      ZIP: 02206      DATE: 11/15/2001      TIME: 18:46
CITY: BOSTON      STATE: MA
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PF3=NEW LBL-ID PF7=PREV PAGE PF8=NEXT PAGE PF10=EXIT
CBE623-005: - LABEL-ID FOUND -

NOTE: THIS PIECE WAS TENDERED TO THIS CUSTOMER'S ROUTE CARRIER ON NOVEMBER 14, 2002 BUT INADVERTANTLY MIXED WITH FIRST CLASS MAIL AND DELAYED. ACCEPTANCE DATE SHOULD ACTUALLY READ NOVEMBER 14.

F GOWEN
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TO ADDRESSEE**



EL 919995207 US

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| Date In Mo. Day Year | <input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM | Postage \$ |
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| Weight lbs. ozs. | Int'l Alpha Country Code | COD Fee Insurance Fee |
| No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday | Acceptance Clerk Initials | Total Postage & Fees \$ |

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Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P., § 601, 7th ed.

TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)

(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

| | | |
|--|---------------------------|-----------------------|
| PCT/DE00/01540 | 12 MAY 2000 | 14 MAY 1999 |
| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED |
| VORRICHTUNG UND VERFAHREN ZUR PHOTOLITHOGRAPHISCHEN BELICHTUNG | | |
| TITLE OF INVENTION | | |
| VON BIOLOGISCHEN STOFFEN | | |
| APPLICANT(S) | | |
| ARON BRAUN AND ARNO HEUERMANN | | |

Box PCT
Assistant Commissioner for Patents
Washington D.C. 20231
ATTENTION: EO/US

CERTIFICATION UNDER 37 C.F.R. § 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date November 14, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number FL919995207US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

EDWARD M. KRIEGSMAN

(type or print name of person mailing paper)

Edward M. Kriegsmann

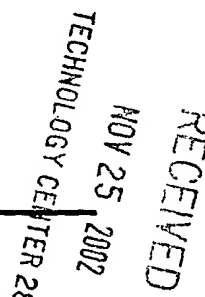
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Transmittal Letter to the United States Elected Office (EO/US) [13-18]—page 1 of 8)



NOTE: To avoid abandonment of the application, the applicant shall furnish to the USPTO, not later than 20 months from the priority date: (1) a copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the USPTO; and (2) the basic national fee (see 37 C.F.R. § 1.492(a)). The 30-month time limit may not be extended. 37 C.F.R. § 1.495.

WARNING: Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing—See 37 C.F.R. § 1.8.

NOTE: Documents and fees must be clearly identified as a submission to enter the national state under 35 U.S.C. § 371 otherwise the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.494(f).

I. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. § 371:

- a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. § 371(f)).
- b. ☒ The U.S. National Fee (35 U.S.C. § 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

2. Fees

| CLAIMS FEE | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------------------------|---|------------------|------------------|------------|------------------|
| <input type="checkbox"/> | TOTAL CLAIMS | 19 -20= | 0 | x \$18.00= | \$ 0 |
| | INDEPENDENT CLAIMS | 2 -3= | 0 | x \$78.00= | 0 |
| | MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$258.00 280 | | | | 280 |
| BASIC FEE** | <input type="checkbox"/> U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO: <input type="checkbox"/> and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 C.F.R. § 1.492(a)(4)) \$96.00 <input type="checkbox"/> and the above requirements are not met (37 C.F.R. § 1.492(a)(1)) \$670.00 <input checked="" type="checkbox"/> U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO: <input type="checkbox"/> has been paid (37 C.F.R. § 1.492(a)(2)) \$690.00 <input type="checkbox"/> has not been paid (37 C.F.R. § 1.492(a)(3)) \$970.00 <input checked="" type="checkbox"/> where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 C.F.R. § 1.492(a)(5)) \$970.00 890 | | | | 890 |
| | Total of above Calculations | | | | = 1170 |
| SMALL ENTITY | Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also. (note 37 C.F.R. § 1.9, 1.27, 1.28) | | | | - 585 |
| | Subtotal | | | | 585 |
| | Total National Fee | | | | \$ 585 |
| | Fee for recording the enclosed assignment document \$40.00 (37 C.F.R. § 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET". | | | | 0 |
| TOTAL | Total Fees enclosed | | | | \$ 585 |

APPLICANT
IS A
SMALL
ENTITY

*See attached Preliminary Amendment Reducing the Number of Claims.

- i. ☒ A check in the amount of 585 to cover the above fees is enclosed.
- ii. ☐ Please charge Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

****WARNING:** "To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: * * * (2) the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 C.F.R. § 1.495(b).

WARNING: If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office, 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.

3. ☒ A copy of the International application as filed (35 U.S.C. § 371(c)(2)):

NOTE: Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment. "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

- a. ☒ is transmitted herewith.
- b. ☐ is not required, as the application was filed with the United States Receiving Office.
- c. ☐ has been transmitted
 - i. ☐ by the International Bureau.
Date of mailing of the application (from form PCT/1B/308): _____
 - ii. ☐ by applicant on _____
Date

4. ☒ A translation of the International application into the English language (35 U.S.C. § 371(c)(2)):

- a. ☐ is transmitted herewith.
- b. ☐ is not required as the application was filed in English.
- c. ☐ was previously transmitted by applicant on _____
Date
- d. ☒ will follow.

5. ☒ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. § 371(c)(3)):

NOTE: The Notice of January 7, 1993 points out that 37 C.F.R. § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that: "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36.

- a. ☐ are transmitted herewith.
 - b. ☐ have been transmitted
 - i. ☐ by the International Bureau.
Date of mailing of the amendment (from form PCT/1B/308): _____
 - ii. ☐ by applicant on (date) _____
Date
 - c. ☒ have not been transmitted as
 - i. ☒ applicant chose not to make amendments under PCT Article 19.
Date of mailing of Search Report (from form PCT/ISA/210) October 9, 2000
 - ii. ☐ the time limit for the submission of amendments has not yet expired.
The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
6. ☒ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. § 371(c)(3)):
- a. ☐ is transmitted herewith.
 - b. ☐ is not required as the amendments were made in the English language.
 - c. ☒ has not been transmitted for reasons indicated at point 5(c) above.
7. ☒ A copy of the international examination report (PCT/IPEA/409)
- ☒ is transmitted herewith.
 - ☐ is not required as the application was filed with the United States Receiving Office.
8. ☐ Annex(es) to the international preliminary examination report
- a. ☐ is/are transmitted herewith.
 - b. ☐ is/are not required as the application was filed with the United States Receiving Office.
9. ☐ A translation of the annexes to the international preliminary examination report
- a. ☐ is transmitted herewith.
 - b. ☐ is not required as the annexes are in the English language.

10. ☒ An oath or declaration of the inventor (35 U.S.C. § 371(c)(4)) complying with 35 U.S.C. § 115

a. ☐ was previously submitted by applicant on _____
Date

b. ☐ is submitted herewith, and such oath or declaration

i. ☐ is attached to the application.

ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. § 1.70.

c. ☒ will follow.

II. Other document(s) or information included:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):

a. ☒ is transmitted herewith.

b. ☐ has been transmitted by the International Bureau.
Date of mailing (from form PCT/IB/308): _____

c. ☐ is not required, as the application was searched by the United States International Searching Authority.

d. ☐ will be transmitted promptly upon request.

e. ☐ has been submitted by applicant on _____
Date

12. ☐ An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98:

a. ☐ is transmitted herewith.

Also transmitted herewith is/are:

☐ Form PTO-1449 (PTO/SB/08A and 08B).

☐ Copies of citations listed.

b. ☐ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. § 371(c).

c. ☐ was previously submitted by applicant on _____
Date

13. ☐ An assignment document is transmitted herewith for recording.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

14. ☐ Additional documents:
- a. ☐ Copy of request (PCT/RO/101)
 - b. ☐ International Publication No. _____
 - i. ☐ Specification, claims and drawing
 - ii. ☐ Front page only
 - c. ☐ Preliminary amendment (37 C.F.R. § 1.121)
 - d. ☐ Other

15. ☒ The above checked items are being transmitted
- a. ☒ before 30 months from any claimed priority date.
 - b. ☐ after 30 months.
16. ☐ Certain requirements under 35 U.S.C. § 371 were previously submitted by the applicant on _____, namely:

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING: Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 11-1755.
- ☐ 37 C.F.R. § 1.492(a)(1), (2), (3), and (4) (filing fees)

WARNING: Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.

(Transmittal Letter to the United States Elected Office (EO/US) [13-18]—page 7 of 8)

☐ 37 C.F.R. § 1.492(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possible when dealing with amendments after final action.

☐ 37 C.F.R. § 1.17 (application processing fees)

☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).

Reg. No.: 33,529

Tel. No.: (508) 879-3500

Customer No.: 23685



SIGNATURE OF PRACTITIONER

EDWARD M. KRIEGSMAN

(type or print name of practitioner)

KRIEGSMAN & KRIEGSMAN

665 FRANKLIN STREET

P.O. Address

FRAMINGHAM, MA 01702